

MINUTES
BOARD OF EXAMINERS
BAIL ENFORCEMENT AGENTS
MEETING
THURSDAY
MAY 17, 2018
10:00 A.M.
150 MARTIN L. KING, JR. BOULEVARD, SOUTH
TATNALL BUILDING
ROOM 112
DOVER, DE

I. Call To Order

Major Zebley called the meeting to order at 1008 hours and subsequently turned the meeting over to Ms. Anderson. The meeting is being recorded and will be maintained by the Professional Licensing Section.

Introductions were made around the table. Major Zebley made special note regarding Chief Rob Kracyla of the Seaford Police Department. He may stay on as the Police Chief's Representative Designee. Welcome to Sgt. Dana Berry and Christopher Scott, casual/seasonal with Professional Licensing.

The following members of the Board of Examiners were in attendance:

Major Melissa A. Zebley
Director John Yeomans
Ms. Robin David
Mr. Michael J. Dellose
Mr. Harry O. Jennings

The following member of the Board of Examiners was in attendance – non-voting:

Chief Robert Kracyla – non-voting

The following members of the Board of Examiners were absent:

Alexander W. Funk, Esquire
Mr. Jack McGhee, II
Mr. Brandon Habron

The following staff members were in attendance:

Victoria W. Counihan, Esquire
Lieutenant Kerry B. Reinbold
Sergeant Dana M. Berry

Ms. Peggy L. Anderson
Mr. Christopher J. Scott

The following staff members were absent:

Captain S. Benjamin Parsons
Mr. Michael Terranova – DTCC Representative

The following guests were in attendance:

N/A

II. Review and Acceptance of Minutes

A. February 14, 2018

Mr. Dellose, with a second by Director Yeomans, made a motion to approve the minutes from 02/14/18 as presented. The motion was carried.

III. Hearings, Appeals & Actions

A. Michael L. Purnell, Jr.

Lt. Reinbold spoke that an emergency suspension was issued to Mr. Purnell on April 10, 2018. The reason for this action stemmed from an investigation being performed by Sgt. Berry. An unlicensed BEA from Maryland was working in the Seaford, DE area with Mr. Purnell. The unlicensed BEA was speaking with Sgt. Berry regarding Mr. Purnell performing the work, and that he was armed, while she was in the vehicle observing. She stated that he was able to carry, but not pull out his gun and use it.

Mr. Purnell was contacted by Lt. Reinbold regarding him carrying a firearm when he was not authorized, he stated that he was not. Pictures from this incident are on file in the Professional Licensing Office with proof of him carrying a weapon. Mr. Purnell continued to lie to Lt. Reinbold about several questions asked of him. It was documented in the report by one of the officers at the scene as stating that “if it moves, I will shoot”.

Mr. Purnell contacted Ms. Anderson regarding the notice of the emergency suspension and that he had not received it. Mr. Purnell moved, and did not notify this office, and his phone number had changed also. These issues and the firearms were the specific reasons why he was placed on emergency suspension.

Some of the background on Mr. Purnell as follows:

- 04/10/18 – Certified/first class notification of ESS for Rule 4.0 Firearms Policy violations
- 04/24/18 – Received signed green card back – by Shevene Y. Oney
- 04/19/18 – Dropped off Badge #394 and Identification Card
- 05/09/18 @ 1012 – Received VM from Mr. Purnell inquiring about the notification of a hearing – 302-470-2720 (not the number on file)

- 05/09/18 @ 1418 – Returned call – left message
- 05/09/18 @ 1420 – VM from Mr. Purnell
- 05/09/18 @ 1436 – Returned call – spoke with Mr. Purnell and informed him that his certified notification was signed by Shevene Y. Oney (was told that is his mother) at an address in Delmar, DE. Mr. Purnell stated that he did not live with his mother. Told him he needed to obtain letter and follow directions that the deadline for a hearing request was at midnight the next day. He kept saying that he works in Philadelphia and can't go from Millsboro to Delmar to get the letter. Explained that the notification was sent to the last address on file in PL Office.
- 05/10/18 @ 0930 – Called Mr. Purnell and left a message that we extended the deadline until Friday, May 11, 2018 @ 2400.
- 05/10/18 @ 1135 – Mr. Purnell called back and still insisted that he couldn't get the request to us because he works. Informed him that it could be emailed to me by midnight on the next day – Friday.
- 05/11/18 @ 2400 – No request for hearing in email

Mr. Dellose, with a second by Director Yeomans, made a motion to issue the Intent to Revoke Mr. Purnell's BEA identification card/license/badge #394. The motion was carried.

IV. Rule 2.0 – Badges, Patches, Advertisements

A. Lorin S. Jones

Ms. Anderson presented the information regarding Mr. Jones as follows:

- 03/15/18 – Received email stating that 2 weeks ago Mr. Jones lost his BEA Badge #004 in a scuffle while attempting to handcuff a skip
- 03/26/18 – Badge not recovered per TFC Freeman – Fee waived per Lt. KBR
- 03/27/18 – Informed Mr. Jones he would need to come in for a new badge/license/identification card

Mr. Jones had a blacked out badge, with his same number, to use when he was out working as a BEA. He was informed that he would need to contact the office to obtain another badge with a new number. To date, he has not made any attempt to obtain another badge.

Mr. Dellose, with a second by Director Yeomans, made a motion to decommission Badge #004 permanently. The motion was carried.

Mr. Jennings, with a second by Mr. Dellose, made a motion for Professional Licensing to issue a new identification card/license/badge number to Mr. Jones, rather than him being able to pick out his new number. The motion was carried.

V. Old Business

A. Professional Licensing

1. Rule 9.0 Conducted Electrical Weapon (CEW) – *Exhibit A*

Lt. Reinbold explained that this rule has been reviewed by the Weapons and Force Committee and this is their recommended wording. Only Constables and BEA's are permitted to carry a CEW. The only true certificate permitted to be used is AXON as it is the only actual company at this time. If another certificate is presented to Professional Licensing, Ms. Anderson would bring it to the attention of Lt. Reinbold, to be brought before the Board.

After lengthy discussion, Maj. Zebley, with a second by Ms. David, made a motion to approve Rule 9.0 for first publication. The motion was carried.

B. Board Members

The Board Members did not have any Old Business at this time.

C. Major

Major Zebley did not have any Old Business at this time.

VI. New Business

A. Professional Licensing

1. Issues Calling DSP for Back-Up

Lt. Reinbold wanted the Board to be aware of calls being made to the Troops to assist the BEA's in their apprehensions. This is to be discussed in the continuing education, that law enforcement is not there to make their apprehensions, but to assist if something goes very wrong.

Education will be the key to both the law enforcement agencies and the BEA's. Lt. Reinbold sent out an email Division-wide regarding the procedures of the BEA's.

Sgt. Berry received a phone call where a MD BEA was under the impression that if a warrant was out of MD, that they could come into DE to apprehend the subject. This is incorrect.

Major Moriarty is aware of the issues of the BEA's, specifically in Sussex County. Lt. Reinbold is going to ask that the ERC's be sure to check the updated list sent to them each month for the validity of the agent.

Director Yeomans thought it would be beneficial for Lt. Reinbold to attend a Council Meeting to inform the Chiefs of the BEA procedures.

B. Board Members

The Board Members did not have any New Business at this time.

C. Major

Major Zebley thanked everyone for their attendance and that on a small note Dale Hamilton's replacement will hopefully be ready by the August meeting.

VII. Public Comment (At the discretion of the Chair)

There was no public in attendance.

VIII. Adjournment

A. Schedule Next Meeting

1. Thursday, August 30, 2018 @ 10:00am

Mr. Jennings, with a second by Major Zebley, made a motion to adjourn the meeting. The motion was carried. The meeting adjourned at 1055 hours.